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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

PENELOPE HOUSTON, an individual, GREG  
INGRAHAM, an individual, JAMES WILSEY, an  
individual, and DANIEL O'BRIEN, an individual,

Plaintiffs,

v.

DAVID FERGUSON, an individual dba  
CD PRESENTS, BURIED TREASURE  
MUSIC and ANARCHY ANTHEMS; ANTHEM  
MUSIC AND MEDIA FUND, LLC, a Delaware  
Limited Liability Company dba FIGS D. MUSIC,  
THE BICYCLE MUSIC COMPANY, an entity of  
unknown origin; NBC UNIVERSAL, INC., a

CASE NO. C10-01881 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER  
RE: FURTHER EXTENSION OF TIME TO  
FILE RESPONSE TO SECOND AMENDED  
COMPLAINT AND CONTINUANCE OF  
CASE MANAGEMENT CONFERENCE AND  
CASE MANAGEMENT CONFERENCE  
STATEMENT DEADLINE**

**Currently Scheduled Conference:**

**Date:** May 6, 2011

**Time:** 1:30 p.m.

Delaware Corporation; and Film 44, INC., a  
California Corporation,  
  
Defendants.

**Courtroom:** 11 – Nineteenth Floor  
Hon. Jeffrey S. White, Presiding  
(E-Filing)

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(b) of the Civil Local Rules of the United States District Court, Northern District of California, Plaintiffs PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an individual, and DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and Defendant DAVID FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and stipulate as set forth below.

This Stipulation, and the Proposed Order thereon, is being submitted for the purpose of (a) extending the deadline to file a responsive pleading to Plaintiffs' Second Amended Complaint (the "SAC"), (b) continuing the Case Management Conference ("CMC") in this case, which is currently scheduled for May 6, 2011, for at least thirty (30) days, to a date convenient to the Court, and (c) continuing the CMC Statement deadline that is tied to the date of the CMC. As set forth in the Recitals below, the parties believe that good cause exists for the Order requested in light of the status of the parties' settlement negotiations.

#### RECITALS

WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

WHEREAS, Plaintiffs and Defendant Ferguson previously stipulated, and this Court ordered on March 25, 2011, that Defendant Ferguson's response to the SAC was due by April 11, 2011; and

WHEREAS, Plaintiffs and Defendant Ferguson previously stipulated, and this Court ordered on March 31, 2011, that the CMC is to be held on May 6, 2011, and that the CMC Statement is due on April 29, 2011; and

WHEREAS, the parties have agreed to the substantive terms of settlement of their dispute and are actively negotiating the memorialization thereof; and

WHEREAS, Rule 6-1(b) of the Civil Local Rules of the United States District Court, Northern District of California, requires the parties to obtain a court order for any enlargement or shortening of time that alters an event or deadline already fixed by Court order; and

1 WHEREAS, Plaintiffs and Defendant agree and stipulate that a further extension of time for  
2 Defendant to file a responsive pleading to the SAC, to May 2, 2011, and a continuance of the CMC and  
3 of the CMC Statement deadline, for a period of at least thirty (30) days, is appropriate and would allow  
4 the parties further time to finalize settlement, and hereby jointly request that the Court order such  
5 enlargement of time; and

6 WHEREAS, the parties believe that requested time modifications would have no substantial  
7 effect on the schedule for this case and would encourage completion of the settlement;

8 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective undersigned  
9 counsel, hereby stipulate as follows:

- 10 1. The time for Defendant David Ferguson to file a responsive pleading to the Second  
11 Amended Complaint shall be extended to and including May 2, 2011.
- 12 2. Subject to Court approval and the Court's calendar, the CMC shall be continued for a  
13 period of at least thirty (30) days from May 6, 2011.
- 14 3. Subject to Court approval, the CMC Statement deadline shall be continued for a period of  
15 at least thirty (30) days from April 29, 2011.

16 SO STIPULATED.

17 LAW OFFICE OF ALAN KORN

18 Dated: April 13, 2011

By: /s/ Alan Michael Korn

19 Alan Michael Korn  
20 *Attorneys for Plaintiffs*

21 IDELL & SEITEL LLP

22 Dated: April 13, 2011

By: /s/ Richard J. Idell

23 Richard J. Idell  
24 *Attorneys for Defendant David Ferguson*

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26  
27  
28 **ATTESTATION OF CONCURRENCE**

I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to General

Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Alan Korn, the above signatory.

IDELL & SEITEL LLP

Dated: April 13, 2011

By: /s/ Richard J. Idell

Richard J. Idell

*Attorneys for Defendant David Ferguson*

**~~PROPOSED~~ ORDER**

PURSUANT TO THE ABOVE STIPULATION, IT IS HEREBY ORDERED as follows:

1. Defendant David Ferguson shall file a responsive pleading to the Second Amended Complaint on or before May 2, 2011.
2. The Case Management Conference in this matter shall be continued to June 17, 2011 at 1:30 p.m. in Courtroom 11, 19th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.
3. A supplemental joint Case Management Conference Statement shall be filed by the parties on or before June 10, 2011.

SO ORDERED.

Dated: April 14, 2011

  
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The Honorable Jeffrey S. White  
United States District Court, Northern District of California